

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the following reasons.

A Supplemental Amendment was filed on May 23, 2007. However, from reviewing the Office Action of June 1, 2007, it appears that the Supplemental amendment was not considered. Accordingly, amendments and comments made in the Supplemental Amendment are also presented herein.

Status of Claims:

Claims 1, 3, 4, 10, 15, 17, 18, 31, 34 and 40 are currently being amended. Claims 1, 10, 15, 31 and 34 are amended to recite, among other features, "the connector is rotatable on the base, while the cannula is at a subcutaneous position." This feature is supported by the original specification and thus no new matter is added. (Original specification, paragraph 0052, lines 1-3) Thus no new matter has been added. Claims 1, 3, 4, 10, 15 and 34 are amended to recite "one stop surface" discussed in greater details below, no new matter has been added.

Claims 24 and 25 are cancelled without disclaimer or prejudice, to further the prosecution of the other claims in the application. Applicant reserves the right to seek patent protection for the subject matter of the cancelled claims 24 and 25 in a further application.

Claim 40 is amended to depend from independent claim 31 because it depended on cancelled claim 24. No new matter has been added.

Claim Objections under 35 U.S.C. § 132(a) and Claim rejections under 35 U.S.C. § 112 and Communication between the undersigned and the Examiner:

The Examiner in the current application contacted the undersigned via telephone on April 19, 2007. During that conversation the Examiner suggested that the Applicants make the following changes to the claims of the pending application.

Cancel claims 24 and 25

The applicants have cancelled claims 24 and 25 without prejudice or disclaimer and thus, the rejection with respect to those claims is moot.

Claim objections to Claim 17-18

For claim 17, the Examiner proposed to reword the feature of the claim, as follows: “wherein the at least one stop projection extends away from a surface of the connector portion.”

Claim 17 is amended to recite the feature “wherein the at least one stop surface extends away from a surface of the connector portion” and addresses the Examiner’s concerns. Since claim 18 depends from claim 17, it was amended to recite, among other features, “one stop surface” as well.

Claim objection under 35 U.S.C. § 112

In independent claims 1, 10 and 15 the Examiner proposed to change the term “stop” to “stop projection.”

In response, the undersigned suggested using “stop surface” instead of the phrase “stop projection” proposed by the examiner, to replace the term “stop” in each of claims 1, 10, 15, 31 and 34. In reply the Examiner expressed that he needed to consult with his supervisor. Next, the Examiner left a voice message informing the undersigned that his supervisor was not comfortable with the proposal to use “stop surface”.

Also in response, amended claims 1, 10, 15, 31 and 34 with the feature of “stop surface”. Applicant believes that the amendment from “stop” to “stop surface” would be sufficient. Because claims 3 and 4 depend from claim 1, they are amended to recite “stop surface” for antecedent basis. Applicant also believes that claims as amended are compliant with 35 U.S.C. § 112.

Claim Rejection under 35 U.S.C. § 102 (e)

The Office Action dated June 01, 2007 rejects claims 1-12 and 31-40 under 35 U.S.C. 102 (e) as being anticipated by Kihara et al. (U.S. Patent No. 6,379,265; hereinafter Kihara et al.). This rejection is respectfully traversed.

Currently amended independent claims 1, 10, 15, 31 and 34 recite among other features “the connector is rotatable on the base, while the cannula is at a subcutaneous position.”

Kihara et al. fail to disclose a connector rotatable on the base, while the cannula is at a subcutaneous position. Instead, Kihara et al. disclose an artificial kidney and an insertion guide not a subcutaneous infusion set. More specifically Kihara et al. disclose a holder 24 able to rotate left and right. (Kihara et al., column 9, lines 9-12) However, Kihara et al. disclose an arterial needle (4in) and a venous needle (4out) that are placed in the guide holes 31 in and 31 out, whereupon the front end of the needle pass through hole 41a and are inserted into the fistula 21. (Kihara et al., column 9, lines 50-56) Kihara et al. disclose that the arterial guide hole 31 is formed in such a way as to guide the arterial needle 4in downwards at an incline from the shoulder side to the wrist side. (Kihara et al., column 6, lines 40-43). Similarly Kihara et al. disclose that the venous guide 31out is formed in such a way as to guide the venous needle 4out downwards at an incline from the wrist side to the shoulder side relative to the fistula 21B. (Kihara et al., column 6 lines 44-48). The inclination of the needles 4in and 4out is illustrated in Figures 5a, 6, 9, 10 and 11. Thus the needles 4in and 4out are not inserted into the skin at a perpendicular angle to the skin.

Therefore, once the needles in Kihara et al. (4in and 4out) are inserted into the fistula they cannot be moved or rotated because they are not inserted into the patient’s skin perpendicularly and rotating the holder to which the needles are going through would cause extensive damage to the tissue surrounding the needles. Thus, the holder 24 of Kihara et al. cannot rotate while the needles 4in and 4out are at a subcutaneous position. Hence, Kihara et al. fails to disclose a connector rotatable on the base, while the cannula is at a subcutaneous position.

Therefore Kihara et al. fail to anticipate claims 1, 10, 15, 31 and 34. Thus claims 1, 10, 15, 31 and 34 are believed to be allowable. Because they directly or indirectly depend from claims 1, 10, 15, 31 and 34, dependent claim 2-9, 11-14, 16-23, 26-28, 32, 33, 35-40 are believed to be allowable for at least the same reasons independent claims 1, 10, 15, 31 and 34 are believed to be allowable.

Conclusion:

After amending the claims as set forth above, claims 1-23, 26-28, 31-40 are now pending in this application. Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

By

Ted R. Ritmaster
Attorney for Applicant
Registration No. 32,933

Date August 29, 2007
FOLEY & LARDNER LLP
Customer Number: 23392
Telephone: (310) 975-7963
Facsimile: (310) 557-8475